

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2018

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

W.P.No.13508 of 2003

Ramesh

... Petitioner

versus

1. The Deputy General Manager,
(Human Resources)
Indian Oil Corporation,
I.O.C. Bhavan, Nungambakkam,
Chennai - 34.

2. The Revenue Divisional Officer,
Ponneri, Tiruvellore District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of writ of certiorarified mandamus, to call for the records in Proceedings in P/1741 dated 21.10.2002 on the file of the 1st respondent, to quash the same and consequently, direct the respondents herein to provide suitable employment to the petitioner in the 1st respondent organization forthwith.

For Petitioner : Mr.S.Sairam
For R1 and R2 : Mr.T.S.Anash,
for M/s.T.S.Gopalan & Co.
Mr.Thangavadana Balakrishnan for R2

ORDER

Today, when the matter is taken up for consideration, the learned counsel appearing for the respondents submitted that a writ petition was filed against the Indian Oil Corporation and Revenue Divisional Officer, Ponneri, seeking direction to the respondents to provide suitable employment to the petitioner therein, in the organization of the first respondent and the said writ petition was allowed. Challenging the same, the writ appeal was filed by the Indian Oil Corporation Ltd. The writ appeal along with connected matters were heard by the Division Bench and the Division Bench has chosen to set aside the order passed by the learned single Judge. It is also represented that even though the writ appeal has been allowed dismissing the claim for employment to the employees, the second respondent herein has provided compensation to the petitioner therein.

2. For better clarity, the relevant portion of the order of W.A.Nos.1749 to 1762 of 2003, etc., in respect of similarly

placed persons, is quoted hereunder:

"19. The submissions made by Mr. Ajmal Khan, learned counsel appearing for the writ petitioners/first respondent based on the decision reported in Banvasi Seva Aasiram vs. The State of UP and others (AIR 1992 SC 920) and Calcutta Port Trust vs. Deba Prosad Bag and others (1994 Supp (2) SCC 101 : 1994 (2) L.L.N.5) cannot be countenanced for the following reasons:

(I) In Calcutta Port Trust vs. Deba Prosad Bag and others (1994 Supp (2) SCC 101 : 1994 (2) L.L.W.5) the Hon'ble Apex Court has relied upon a similar Government Order and had directed provision of employment. In that case, a similar Government Order directing employment of displaced persons was considered by the Port Trust for whose benefit the lands were acquired and it was resolved to offer employment considering the fact that those persons are uprooted and were never paid any compensation. Such resolution was passed as a rehabilitation measure. On the basis of the resolution, certain eligible candidates were also considered and there was a dispute as to their appointment. In that context, the Hon'ble Apex Court has held that the uprooted persons are entitled to employment. However, on the facts of this case, admittedly, the land owners/displaced persons were paid compensation and the IOC has not resolved to provide employment to the land owners/displaced persons. Therefore, on facts, the judgment of the Apex Court is distinguishable and in our considered view the learned Judge was not right in granting the relief sought for by writ petitioners by placing reliance on the above decision.

(ii) Similarly the facts of the case reported in Banvasi Seva Aasiram vs. the State of UP and others (AIR 1992 SC 920) are totally different from the facts of the case on hand.

20. For the above said reasons, we are unable to agree with the reasoning given by the learned single Judge while allowing the writ petitions. Accordingly, we set aside the orders passed by the learned single Judge and allow all the writ appeals."

In the case on hand, the petitioner has also been paid compensation and is similarly placed like that of the petitioners/respondents in W.A.Nos.1749 to 1762 of 2013, etc.

3. In such view of the matter, nothing survives in the writ petition and the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy General Manager,
(Human Resources)
Indian Oil Corporation,
I.O.C. Bhavan, Nungambakkam,
Chennai - 34.

2. The Revenue Divisional Officer,
Ponneri, Tiruvellore District.

+1cc to Mr.T.S.Gopalan, Advocate, S.R.No.30453

+1cc to Mr.S.Sairaman, Advocate, S.R.No.30310

+1cc to the Government Pleader, S.R.No.30759

W.P.No.13508 of 2003

RJ(CO)
GSP(10/08/2018)

सत्यमेव जयते

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